

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

RYAN BUFORD,)
Petitioner,)
v.)
KENNETH NELSEN, Warden,¹) Case No. 3:21-cv-00279
Respondent.) Judge Aleta A. Trauger
) Magistrate Judge Jeffrey S. Frensley

ORDER

Before the court is the Magistrate Judge’s Report and Recommendation (“R&R”) (Doc. No. 15), finding the claims raised in petitioner Ryan Buford’s Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 (Doc. No. 1) to be without merit and recommending that the Petition be denied, without an evidentiary hearing. The petitioner has filed Objections (Doc. No. 16) to the R&R’s handling of two issues implicated by one of the claims raised in his Petition. He does not object to the recommendation that his request for a hearing be denied or to the recommendation that relief be denied as to his other claims.

For the reasons stated in the accompanying Memorandum, the petitioner's Objections (Doc. No. 16) are **OVERRULED**. The R&R (Doc. No. 15) is **ACCEPTED** in its entirety.

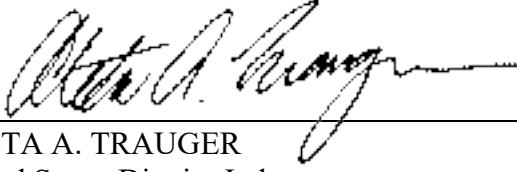
¹ The proper respondent to a habeas petition is “the person who has custody over [the petitioner].” 28 U.S.C. § 2242; *see also* 28 U.S.C. § 2243. The prisoner’s immediate physical custodian is the warden of the facility where the prisoner is being held. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885)). Accordingly, Kenneth Nelson, in his official capacity as Warden of Riverbend Maximum Security Institution where the petitioner is currently incarcerated, is substituted as the appropriate respondent in this action.

Accordingly, the Petition (Doc. No. 1) is **DENIED**, and this case is **DISMISSED WITH PREJUDICE**.

Further, the court **DENIES** a Certificate of Appealability (“COA”). The petitioner may, however, request a COA directly from the Sixth Circuit Court of Appeals. Fed. R. App. P. 22(b)(1).

This is a final judgment for purposes of Federal Rule of Civil Procedure 58.

It is so **ORDERED**.



ALETA A. TRAUGER
United States District Judge